

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
WESTERN DIVISION

|                                     |   |                        |
|-------------------------------------|---|------------------------|
| ROSEBUD SIOUX TRIBE <i>et al.</i> , | ) |                        |
|                                     | ) |                        |
| Plaintiffs,                         | ) |                        |
|                                     | ) | CIV: 5:20-CV-05058-LLP |
| v.                                  | ) |                        |
|                                     | ) |                        |
| STEVE BARNETT <i>et al.</i> ,       | ) |                        |
|                                     | ) |                        |
| Defendants.                         | ) |                        |
|                                     | ) |                        |

**JOINT MOTION TO MODIFY THE  
THIRD AMENDED RULE 16 SCHEDULING ORDER**

Plaintiffs Rosebud Sioux Tribe *et al.* and Defendants Steve Barnett *et al.* (collectively, the “Parties”) jointly move the Court to modify the Third Amended Rule 16 Scheduling Order in this case [ECF No. 63] to amend the motion deadlines in Paragraph 7 to:

- extend the deadline for all motions, other than motions in limine, together with supporting briefs, from December 20, 2021, to January 19, 2022;
- extend the deadline for opposing parties to file and serve answering materials and briefs from January 14, 2022, to February 11, 2022; and
- extend the deadline for reply briefs from January 31, 2022, to February 28, 2022.

The Parties agree that the requested modifications to the motion deadline and briefing schedule are necessary to provide Plaintiffs sufficient time to process and complete their review of Defendants’ voluminous document productions made between October 15, 2021 and November 17, 2021, which consist primarily of emails and total approximately 51,657 pages (including 28,343 pages of documents produced between November 11 and November 17).


The Parties wish to keep the existing July 12, 2022, trial date and pretrial deadlines. If, however, the requested briefing schedule necessitates a modification of those dates and deadlines, the Parties request a telephonic status conference with the Court to discuss briefing deadlines that would enable the trial to proceed as scheduled.

DATED: November 19, 2021

  
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Respectfully submitted,

  
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**CERTIFICATE OF SERVICE**

I hereby certify that on this 19 day of November, 2021, I filed the foregoing Joint Motion to Modify the Third Rule 16 Scheduling Order with the Court's CM/ECF system, which provided notice of this filing by email to all counsel of record.

  
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Terry Pechota